

Exhibit C

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR BROWARD COUNTY

CASE NO.: CACE-15-008373
DIVISION: 07

CLARE AUSTIN,

Plaintiff,

vs.

C.R. BARD, INC., a foreign
corporation; and
BARD PERIPHERAL VASCULAR, INC.,
an Arizona corporation;
MATTHEW ROBBINS, M.D.; and
CLEVELAND CLINIC FLORIDA,

Defendants.

DEPOSITION OF DEREK D. MUEHRCKE, M.D.

Taken on Behalf of C.R. BARD, INC.,
a foreign corporation; and
BARD PERIPHERAL VASCULAR, INC.,
an Arizona corporation

DATE TAKEN: THURSDAY, JULY 21ST, 2016

TIME: 9:01 A.M. - 1:49 P.M.

PLACE: HILTON ST. AUGUSTINE
HISTORIC BAYFRONT
32 AVENIDA MENENDEZ
SAINT AUGUSTINE, FLORIDA 32084

STENOGRAPHICALLY REPORTED BY:

ANTHONY TRUJILLO, RMR, CRR
Registered Merit Reporter
Certified Realtime Reporter

1 A. I don't know, but I would think so.

2 Q. Okay.

3 MR. JOHNSON: How about a break? Or do you
4 want to finish your line? I need to make a phone
5 call.

6 MS. DALY: Can I just --

7 MR. JOHNSON: You want to continue? Sure.

8 MS. DALY: I just wanted to finish up on sales
9 and marketing.

10 BY MS. DALY:

11 Q. Anything -- anything misleading, if you're
12 going to have an opinion on anything that was
13 misleading?

14 A. I --

15 Q. We've talked about the --

16 A. -- I, as an implanter, was never told about
17 these complications. And when asked about why are there
18 so many iterations of this Bard IVC filter, it's because
19 it would improve centering; it would improve the ability
20 to -- to retrieve it in somebody. We were never told
21 about the internal Bard documents and their concern --
22 they did a health hazard analysis or any crisis meetings
23 to figure out this device, and we were never told about
24 that.

25 Q. And that was back in 2004, the one that you're

1 talking about?

2 A. Right. But, I mean --

3 Q. Health hazard.

4 A. -- but they've also made other iterations to
5 the device and were not really honest with us about why
6 those changes were made, why the anchoring was put on
7 the ECLIPSE®. You know, why -- and -- the MERIDIAN®,
8 rather, and why they went to the DENALI®. I mean, you
9 know --

10 Q. Well, haven't -- haven't sales brochures and
11 salespeople explained to you, oh, the MERIDIAN® has this
12 new feature and it's supposed to do that, haven't they?

13 A. The G2® -- the G2® brochure says, oh, okay,
14 improved centering, less migration, less perforation --
15 that's not true based on Bard's internal data.

16 Q. Right. Is that what's misleading to you --

17 A. Yeah.

18 Q. -- is you think Bard's internal data does not
19 support those claims?

20 A. Correct.

21 Q. Okay.

22 A. Also -- and also, if a doctor wants to find out
23 what the true rate of fracture in these devices --
24 Rob Carr said they're not going to give it to a doctor.
25 It's proprietary information, even though they said it's